

ATTORNEY DOCKET NO
11321-P014US

PATENT
09/935,995



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Smalley, et al.
09/935,995
Filed: 08/23/2001
Title: POLYMER-WRAPPED SINGLE WALL CARBON NANOTUBES
Confirmation No.: 1538
Art Unit: 1773
Examiner: unassigned

Assistant Commissioner for Patents
Box Customer Service Center
Initial Patent Examination Division
Missing Parts
Washington, D.C. 20231

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11/27/01
Date

Victoria L. Ange
Signature Victoria L. Ange

Nov 27, 2001
Date

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED**

In response to the Notice to File Missing Parts of Nonprovisional Application under 37 CFR 1.63 dated October 9, 2001, enclosed are the following documents:

1. A 5 page Declaration for Utility Patent Application, fully executed by each inventor;
2. Individual Powers of Attorney or Authorization of Agent (4 pages), signed by each inventor;
3. A 1 page Statement Under 37 CFR §3.73(b) with attached Power of Attorney or Authorization of Agent, fully executed by Assignee (2 pages);
4. A 3 page, fully executed Assignment, with Assignment cover sheet and check in the amount of \$40.00 for recordal of assignment fee;
5. A check in the amount of \$65.00 to cover the fees for Missing Parts;

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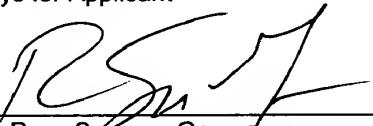
6. PTO/SB/ fee transmittal sheet listing both the Missing Parts Response Fee and the Assignment Recordal Fee as well as confirming the Small Entity Status of the Applicants/Assignee;
7. Part 2 -- Copy of the Notice to File Missing Parts of Nonprovisional Application to be returned with Response;
8. Part 2 – Copy of the Cover Letter for Resending Correspondence to be returned with Response;
9. Change of Correspondence Address; and
10. Postal Receipt Card.

It is believed that no additional fee is due. If this is incorrect, the Commissioner is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 23-2426.

Respectfully submitted,

WINSTEAD SECHREST & MINICK
Attorneys for Applicant

By: _____


Ross Spencer Garsson
Reg. No. 38,150

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1201 Main Street
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(512) 370-2870
Date: November 21, 2001
DALLAS_11356236412
11/20/2001 - 11321-P014US

Attorney's Docket: 11321-P014US

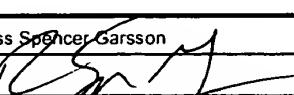
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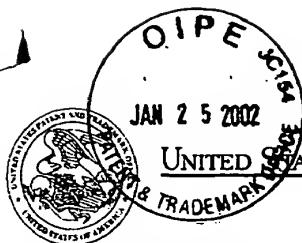
FEES TRANSMITTAL for FY 2002		Complete if Known	
JAN 25 2002 U.S. PATENT & TRADEMARK OFFICE Fees are subject to annual revision.		Application Number	09/935,995
		Filing Date	08/23/2001
		First Named Inventor	Smalley
		Examiner Name	Not yet assigned
		Group Art Unit	1773
		Attorney Docket No.	11321-P014US
TOTAL AMOUNT OF PAYMENT		(\$)	

METHOD OF PAYMENT		FEES CALCULATION (continued)																																																																																																																																																															
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 23-2426</p> <p>Deposit Account Name Winstead Sechrest & Minick P.C.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code (\$)</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for ex parte reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="4">Other fee (specify) _____</td><td>40.00</td></tr> <tr> <td colspan="2">SUBTOTAL (1) (\$)</td> <td colspan="2">SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="2">**or number previously paid, if greater; For Reissues, see above</td> <td colspan="2">105.00</td> </tr> </tbody></table>		Fee Code (\$)	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	139	130	139	130	Non-English specification	147	2,520	147	2,520	For filing a request for ex parte reexamination	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	115	110	215	55	Extension for reply within first month	116	400	216	200	Extension for reply within second month	117	920	217	460	Extension for reply within third month	118	1,440	218	720	Extension for reply within fourth month	128	1,960	228	980	Extension for reply within fifth month	119	320	219	160	Notice of Appeal	120	320	220	160	Filing a brief in support of an appeal	121	280	221	140	Request for oral hearing	138	1,510	138	1,510	Petition to institute a public use proceeding	140	110	240	55	Petition to revive - unavoidable	141	1,280	241	640	Petition to revive - unintentional	142	1,280	242	640	Utility issue fee (or reissue)	143	460	243	230	Design issue fee	144	620	244	310	Plant issue fee	122	130	122	130	Petitions to the Commissioner	123	50	123	50	Processing fee under 37 CFR 1.17(q)	126	180	126	180	Submission of Information Disclosure Stmt	581	40	581	40	Recording each patent assignment per property (times number of properties)	146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	179	740	279	370	Request for Continued Examination (RCE)	169	900	169	900	Request for expedited examination of a design application	Other fee (specify) _____				40.00	SUBTOTAL (1) (\$)		SUBTOTAL (3) (\$)		**or number previously paid, if greater; 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Ross Spencer Garson	Registration No. (Attorney/Agent)	38,150
Signature		Telephone	512.370.2870
		Date	21 November 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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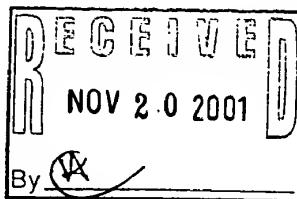
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3

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/935,995	08/23/2001	Richard E. Smalley	11321-P014US

Winstead Sechrest & Minick P.C.
5400 Renaissance Tower
Dallas, TX 75270-2199



CONFIRMATION NO. 1538
RESEND COVER LETTER



OC000000007076156

Date Mailed: 11/15/2001

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 10/09/2001 is enclosed. The time period for reply continues to run from the mail date of that Notice.

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



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09/935,995	08/23/2001	Richard E. Smalley	11321-P014US

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5400 Renaissance Tower
Dallas, TX 75270-2199

CONFIRMATION NO. 1538

FORMALITIES LETTER



OC00000006872668

Date Mailed: 10/09/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/29/2002 HTECKLU1 00000047 09935995

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65.00 OP